

### **Remarks**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim 1 has been amended to recite a biodegradable bag comprising . . . a film consisting of aliphatic polyesters having the structure of formula (1). Claims 3 and 4 have been amended to be consistent with claim 1. Support for these amendments can be found in Examples 1 and 3 of the specification.

The rejection of claims 1-4 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement is respectfully traversed.

The Examiner takes the position that the limitation that the film “consists of” an aliphatic polyester presents new matter that was not reasonably conveyed in the original application. The Examiner further states that the specification only refers to the polyester layer as containing the aliphatic polyester claimed as the main component, and that the specification does not refer to the polyester layer consisting of only the aliphatic polyester claimed.

However, as discussed above, Applicants have amended the claims to require that the film consists of aliphatic polyesters. This amendment is clearly supported by Examples 1 and 3 of the specification. Specifically, Example 1 (page 19, last line through page 20, line 15) teaches that polybutylene succinate/adipate and polybutylene succinate, which are both aliphatic polyesters, were mixed to form the film. Similarly, Example 3 (page 23, lines 22-24 and page 26, Table 1) teaches a film formed of the same components as Example 1. Neither Example 1 nor Example 3 teaches the inclusion of any other components in addition to the aliphatic polyesters. Therefore, the specification provides support for the claims as amended, requiring a film consisting of aliphatic polyesters having the structure of formula (1).


Accordingly, the rejection of claims 1-4 under 35 U.S.C. §112, first paragraph, should be withdrawn.

In view of the foregoing amendments and remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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By:



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